

Exhibit A

**THOMAS SIERRA VS REYNALDO GUEVARA
RODRIGUEZ, ALBERTO on 12/14/2021**

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

THOMAS SIERRA,) Case No. 1:18-CV-03029
)
PLAINTIFF,)
)
VS.) Hon. John Z. Lee
)
REYNALDO GUEVARA, et al.,)
) Hon. M. David Weisman
DEFENDANTS.) Magistrate Judge

ORAL DEPOSITION OF
ALBERTO RODRIGUEZ
December 14, 2021

ORAL DEPOSITION OF ALBERTO RODRIGUEZ, produced
as a witness at the instance of the PLAINTIFF, was
scheduled to take place in the above-styled and numbered
cause on the 14th day of December, 2021, from 9:26 a.m.
to 9:45 a.m., before Tammie L. Foreman, CCR in and for
the State of Arkansas, RPR, CRR, reported by machine
shorthand, at the FCI Forrest City Low, 1400 Dale
Bumpers Road, Forrest City, Arkansas, pursuant to the
Federal Rules of Civil Procedure.

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APPEARANCES

FOR THE PLAINTIFF:

MR. STEVEN ART
Loevy & Loevy
311 North Aberdeen, Third Floor
Chicago, Illinois 60607
312-243-5900
steve@loevy.com

FOR THE INDIVIDUAL POLICE OFFICERS:

MR. JEFFREY R. KIVETZ
Sotos Law Firm
141 West Jackson Boulevard, Suite 1240A
Chicaco, Illinois 60604
630-735-3300
jkivetz@jsotoslaw.com

FOR THE DEFENDANT CITY OF CHICAGO:

MS. THERESA B. CARNEY
Rock, Fusco & Connelly, LLC
321 North Clark, Suite 2200
Chicago, Illinois 60654
312-494-1000
tcarney@rfclaw.com

**THOMAS SIERRA VS REYNALDO GUEVARA
RODRIGUEZ, ALBERTO on 12/14/2021**

1 THE COURT REPORTER: Would you raise your right
2 hand to take the oath?

3 MR. RODRIGUEZ: Okay. Before I raise my right
4 hand, I would like to know what this has to do with,
5 what's this about.

6 MR. ART: So we are here for a court-ordered
7 deposition in a federal civil case brought by Thomas
8 Sierra against the City of Chicago and certain Chicago
9 police officers, and it involves his prosecution for the
10 death of your friend Noel Andujar.

11 And so we are here at a court-ordered
12 deposition today to ask you questions about that
13 incident and the police investigation that followed. Is
14 that a fair summary?

15 MR. KIVETZ: I think that's a fair summary,
16 yeah.

17 MR. ART: And so the court reporter is asking
18 you to swear an oath at the beginning of the deposition,
19 which is normal in a deposition, that you're going to
20 tell the truth during the deposition.

21 MR. RODRIGUEZ: Well, due to it being over
22 20-plus years, I mean, I'm not sitting here -- you know
23 what I mean -- always thinking about this situation. I
24 can't recall most, if not all, of this what happened. I
25 mean, I don't know why so long you wait to come and ask

1 me.

2 I did a deposition in the previous prison I was
3 at, and now -- and it was a issue back then. I mean,
4 whoever did the deposition, they can confirm that, you
5 know, this -- I don't recall. I mean, and now you're
6 coming again even 10-plus years and you asking me these
7 same questions again. And it's like I'm not -- I'm not
8 comfortable with being under oath answering these
9 questions.

10 And I had trouble back then. And it's, like --
11 like I said, I'm not sitting around always thinking
12 about this situation that happened a long time ago.

13 MR. ART: Okay.

14 MR. RODRIGUEZ: And, you know, everything just
15 on my mind, like, I know everything. No, I don't.

16 MR. ART: Okay. So --

17 MR. RODRIGUEZ: I don't understand why you
18 can't go to the record back then and look at what was
19 said, what was asked.

20 MR. ART: So we have a right to ask you
21 questions, and the federal court has ordered the
22 deposition to take place. So we're going to ask you
23 questions today. And if you don't recall the answer to
24 a question, you're welcome to say that you don't recall
25 it; but we're going to pose questions to you, and the

**THOMAS SIERRA VS REYNALDO GUEVARA
RODRIGUEZ, ALBERTO on 12/14/2021**

1 Court has ordered you to respond to those questions.

2 MR. RODRIGUEZ: Okay. Where is my attorney at?

3 Which one is my attorney?

4 MR. ART: You don't have an attorney at this

5 deposition.

6 MR. RODRIGUEZ: Why? Do I have rights or don't

7 I have rights?

8 MR. ART: Sir, you have rights. Here's what I

9 would suggest, if it's okay with you. If you swear the

10 oath, we can start the deposition under oath and I can

11 ask you questions about whether you want an attorney,

12 how you want to answer questions before we get into the

13 substance. And that's the way, we put it on the record.

14 MR. RODRIGUEZ: Well, I'm not contractible.

15 Like I said, I'm not comfortable without speaking to an

16 attorney first. You know, this has been 20-plus years,

17 like I said before, and I'm not comfortable. And like I

18 said, until I speak with an attorney, I'm not going to

19 swear under oath for anything. I mean --

20 MR. ART: Okay. So can we go off for a second

21 and I confer with these attorneys?

22 MR. KIVETZ: Sure.

23 (Discussion held off the record.)

24 MR. ART: So let the record reflect that I have

25 just conferred with cocounsel. We have a few more

**THOMAS SIERRA VS REYNALDO GUEVARA
RODRIGUEZ, ALBERTO on 12/14/2021**

1 questions to ask you first. Are you refusing to take
2 the oath at this deposition without talking to an
3 attorney first?

4 MR. RODRIGUEZ: Are you an attorney?

5 MR. ART: I'm an attorney. Let me ask the
6 question.

7 MR. RODRIGUEZ: Would you recommend your client
8 to ask questions under oath without speaking to you?

9 MR. ART: I -- I -- so unfortunately, I'm not
10 allowed to answer questions during this deposition. I
11 ask the questions. So let me put the question to you
12 slightly differently.

13 Sir, are you refusing to take the oath and
14 start the deposition before you talk to an attorney who
15 represents you?

16 MR. RODRIGUEZ: I don't have a problem with the
17 deposition. What I do have a problem with is not having
18 an attorney to discuss this matter 'cause I don't
19 understand what's going on.

20 MR. ART: Okay. Are you asking to have an
21 attorney represent you before you give testimony in a
22 deposition?

23 MR. RODRIGUEZ: Yes.

24 MR. ART: Sir, are you asking for the Court in
25 this case to appoint you an attorney to represent you

**THOMAS SIERRA VS REYNALDO GUEVARA
RODRIGUEZ, ALBERTO on 12/14/2021**

7

1 during this deposition?

2 MR. RODRIGUEZ: Yes.

3 MR. ART: Sir, are you in a position to be able
4 to afford your own attorney currently?

5 MR. RODRIGUEZ: No.

6 MR. ART: Sir, are you in a position where you
7 have access to an attorney here at the prison who can
8 represent you during this deposition?

9 MR. RODRIGUEZ: No.

10 MR. ART: We can go off the record for a few
11 more minutes. Let me talk to these guys. We'll be
12 right back.

13 (Discussion held off the record.)

14 MR. ART: Thank you for your patience. We can
15 go back on the record.

16 Okay. For the record, I just talked with
17 counsel for the police defendants and for the City. I'm
18 Steve Art, counsel for Thomas Sierra, the plaintiff.

19 Mr. Rodriguez, because you are refusing to take
20 the oath and refusing to testify at this deposition
21 without having consulted with an attorney to represent
22 you before testifying, we, all of the parties, have
23 agreed that it is inappropriate to continue questioning
24 you today.

25 And all the parties agree that we will move

**THOMAS SIERRA VS REYNALDO GUEVARA
RODRIGUEZ, ALBERTO on 12/14/2021**

8

1 jointly with the federal court in Chicago to appoint an
2 attorney to represent you for purposes of this
3 deposition, at which point, if that attorney is
4 appointed -- and we don't have control over that. But
5 if the Court appoints an attorney for you, then you will
6 be able to consult with the attorney and we will
7 continue that deposition at that point in time.

8 None of the parties are waiving their right to
9 come back and continue this deposition and continue
10 asking you questions, regardless of whether or not the
11 Court chooses to appoint you an attorney. That is our
12 agreement; is that correct?

13 MR. KIVETZ: This is Jeff Kivetz on behalf of
14 the individual officers, and I agree to that
15 stipulation.

16 MS. CARNEY: Theresa Carney on behalf of the
17 City of Chicago. I also agree.

18 MR. ART: Mr. Rodriguez, do you understand what
19 we jointly intend to do?

20 MR. RODRIGUEZ: No. But I'm sure I will when I
21 speak with an attorney.

22 MR. ART: Okay. So with that, we will continue
23 this deposition until a later time. Thank you for your
24 time, Mr. Rodriguez.

25 MR. RODRIGUEZ: Thank you, sir.

**THOMAS SIERRA VS REYNALDO GUEVARA
RODRIGUEZ, ALBERTO on 12/14/2021**

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1 (Proceeding adjourned at 9:45 a.m.)

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REPORTER CERTIFICATION

STATE OF ARKANSAS)

COUNTY OF PULASKI)

I, TAMMIE L. FOREMAN, Certified Court Reporter
in and for the aforesaid county and state, do hereby
certify to the following:

1) The foregoing deposition was taken before
me at the time and place stated in the foregoing styled
cause with the appearances as noted;

2) Being a Certified Court Reporter, I then
reported the deposition in Stenotype to the best of my
skill and ability, and the foregoing pages contain a
full, true, and correct transcript of my said Stenotype
notes then and there taken;

3) I am not in the employ of and am not
related to any of the parties or their counsel, and I
have no interest in the matter involved;

4) Signature of MR. RODRIGUEZ is waived.

IN WITNESS WHEREOF, I have hereunto set my
hand and affixed my seal of office this 28th of
December, 2021.

TAMMIE L. FOREMAN, CCR, RPR, CRR
LS Certificate #305, State of Arkansas
Arkansas Realtime Reporting
701 West 7th Street
Little Rock, Arkansas
501-725-7963
www.ArkansasRealtimeReporting.com
Tammie@ArkansasRealtimeReporting.com

**THOMAS SIERRA VS REYNALDO GUEVARA
RODRIGUEZ, ALBERTO on 12/14/2021**

Index: 10-plus..sitting

| | | | |
|---|---|--|--|
| 1 | confer 5:21 | I | police 3:9,13 7:17 |
| 10-plus 4:6 | conferred 5:25 | | pose 4:25 |
| 2 | confirm 4:4 | inappropriate 7:23 | position 7:3,6 |
| 20-plus 3:22 5:16 | consulted 7:21 | incident 3:13 | previous 4:2 |
| A | continue 7:23 | investigation 3:13 | prison 4:2 7:7 |
| access 7:7 | contractible 5:14 | involves 3:9 | problem 6:16,17 |
| afford 7:4 | counsel 7:17,18 | issue 4:3 | prosecution 3:9 |
| agree 7:25 | court 3:1,17 4:21 5:1 6:24 | K | put 5:13 6:11 |
| agreed 7:23 | court-ordered 3:6,11 | KIVETZ 3:15 5:22 | Q |
| allowed 6:10 | D | L | question 4:24 6:6,11 |
| Andujar 3:10 | death 3:10 | long 3:25 4:12 | questioning 7:23 |
| answering 4:8 | defendants 7:17 | M | questions 3:12 4:7,9, 21,23,25 5:1,11,12 6:1,8, 10,11 |
| appoint 6:25 | deposition 3:7,12,18, 19,20 4:2,4,22 5:5,10 6:2,10,14,17,22 7:1,8,20 | matter 6:18 | R |
| Art 3:6,17 4:13,16,20 5:4,8,20,24 6:5,9,20,24 7:3,6,10,14,18 | differently 6:12 | mind 4:15 | raise 3:1,3 |
| attorney 5:2,3,4,11,16, 18 6:3,4,5,14,18,21,25 7:4,7,21 | discuss 6:18 | minutes 7:11 | recall 3:24 4:5,23,24 |
| attorneys 5:21 | discussion 5:23 7:13 | move 7:25 | recommend 6:7 |
| B | due 3:21 | N | record 4:18 5:13,23,24 7:10,13,15,16 |
| back 4:3,10,18 7:12,15 | F | Noel 3:10 | reflect 5:24 |
| beginning 3:18 | fair 3:14,15 | normal 3:19 | refusing 6:1,13 7:19,20 |
| brought 3:7 | federal 3:7 4:21 | O | reporter 3:1,17 |
| C | friend 3:10 | oath 3:2,18 4:8 5:10,19 6:2,8,13 7:20 | represent 6:21,25 7:8, 21 |
| case 3:7 6:25 | G | officers 3:9 | represents 6:15 |
| Chicago 3:8 | give 6:21 | ordered 4:21 5:1 | respond 5:1 |
| City 3:8 7:17 | guys 7:11 | P | rights 5:6,7,8 |
| civil 3:7 | H | parties 7:22,25 | Rodriguez 3:3,21 4:14, 17 5:2,6,14 6:4,7,16,23 7:2,5,9,19 |
| client 6:7 | hand 3:2,4 | patience 7:14 | S |
| cocounsel 5:25 | happened 3:24 4:12 | place 4:22 | Sierra 3:8 7:18 |
| comfortable 4:8 5:15, 17 | held 5:23 7:13 | plaintiff 7:18 | Sir 5:8 6:13,24 7:3,6 |
| | | | sitting 3:22 4:11 |

**THOMAS SIERRA VS REYNALDO GUEVARA
RODRIGUEZ, ALBERTO on 12/14/2021****Index: situation..years****situation** 3:23 4:12**slightly** 6:12**speak** 5:18**speaking** 5:15 6:8**start** 5:10 6:14**Steve** 7:18**substance** 5:13**suggest** 5:9**summary** 3:14,15**swear** 3:18 5:9,19

T

talk 6:14 7:11**talked** 7:16**talking** 6:2**testify** 7:20**testifying** 7:22**testimony** 6:21**thinking** 3:23 4:11**Thomas** 3:7 7:18**time** 4:12**today** 3:12 4:23 7:24**trouble** 4:10**truth** 3:20

U

understand 4:17 6:19

W

wait 3:25

Y

years 3:22 4:6 5:16